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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/800,398

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Timothy Roy Block

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EXAMINER

MOORE JR, MICHAEL J

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/800,398

Applicant(s)

BLOCK ET AL.

Examiner

Michael J. Moore, Jr.

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18, 19, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 20 and 23-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims **18-25** in the reply filed on 7/2/2004 is acknowledged.

### ***Claim Objections***

2. Claims **19 and 24** are objected to because of the following informalities:  
Regarding claim **19**, on line 2, the word "a" is needed between words "with" and "node".  
Regarding claim **24**, on line 3, the word "for" is needed before the word "altering".  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **18, 19, 21, and 22** are rejected under 35 U.S.C. 102(e) as being anticipated by Krause (US 2002/0133620). The Krause reference teaches all of the limitations of the listed claims with the reasoning that follows.

Regarding claim **18**, "A network chip for a node in a system area network including a plurality of nodes" is anticipated by switch/router 500 of Figure 12 used within the distributed computer system 30 of Figure 1. "A port for inter-node

communication” is anticipated by the link level engines (LLEs) 282a-282h of Figure 7.

“Means for marking the port to prevent transmission to another node of packets of a first traffic type while permitting transmission to another node of packets of a second traffic type” is anticipated by access control filter 502 of Figure 12 that restricts routes of frames from at least one end station on a selected routing path based on the contents of a selected frame header field” as spoken of on page 10, paragraph 150. Lastly, “means for, if the port is marked, routing via the port only packets not of the first traffic type” is also anticipated by access control filter 502, which restricts routes of frames from at least one end station on a selected routing path based on a selected frame header field that contains the frame type being routed from the switch/router as spoken of on page 10, paragraph 152.

Regarding claim **19**, “a routing table that associates the port with a node identifier of at least one of the plurality of nodes, wherein the means for routing routes packets by reference to the routing table” is anticipated by the routing table spoken of on page 7, paragraph 101, that contains routing decision criteria for input ports each with a local ID (LID).

Regarding claim **21**, “wherein the network chip comprises means for determining a traffic type of a packet by reference to a packet header of the packet” is anticipated by access control filter 502 of Figure 12, which makes use of an opcode field 514 of frame header 510’ of Figure 15 that indicates a traffic type including management, data, or route update as spoken of on page 10, paragraph 153.

Regarding claim **22**, "wherein the first traffic type comprises non-configuration traffic and the second traffic type comprises configuration traffic" is anticipated by the management traffic and data traffic spoken of on page 10, paragraph 153 indicated by opcode field 514 of Figure 15 that is restricted accordingly as spoken of on page 10, paragraph 154.

***Allowable Subject Matter***

5. Claims **20 and 23-25** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim **20**, the prior art of record teaches the network chip of claim **19**. The prior art of record fails to teach where the means for marking comprises means for marking the port by setting a port configuration register.

Regarding claim **23**, the prior art of record teaches the network chip of claim **22**. The prior art of record fails to teach means for removing the marking of the port after transmission of configuration packets.

Regarding claim **24**, this claim is further limiting to claim **23** and is thus also allowable over the prior art of record.

Regarding claim **25**, the prior art of record teaches the network chip of claim **18**. The prior art of record fails to teach where the means for marking comprises means for

Art Unit: 2666

automatically marking the port if it is unconnected at initialization of the system area network.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kalkunte et al. (US 2002/0051448), Shah et al. (U.S. 6,694,361), Krishna et al. (U.S. 6,718,379), and Bialkowski et al. (U.S. 6,272,133) are all references that contain material pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjm MM

  
**FRANK DUONG**  
**PRIMARY EXAMINER**

Michael J. Moore, Jr.  
Examiner  
Art Unit 2666